

**ORDINANCE NO. 09-98**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, BY ADDING A NEW DIVISION, DIVISION 34. HIALEAH PARK DISTRICT, OF THE CODE OF ORDINANCES, BY PROVIDING REGULATIONS FOR THE HPD HIALEAH PARK DISTRICT PROVIDING A PURPOSE, A DESCRIPTION OF THE GEOGRAPHIC AREA, PERMITTED USES, LIMITATIONS AND PROHIBITIONS, DEVELOPMENT STANDARDS AND A SITE DEVELOPMENT PLAN APPROVAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of October 28, 2009 recommended approval of this ordinance; and

**WHEREAS**, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

**WHEREAS**, the specific purpose and intent is to create zoning regulations for a geographic area that coincides with the boundaries of properties comprising of Hialeah Park that promotes commercial and recreational uses that are compatible with the City vision and developmental standards set forth in the HPD district.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by adding Division 34 entitled "Hialeah Park District" to read as follows:

**Chapter 98**

**ZONING**

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**ARTICLE V. ZONING DISTRICT REGULATIONS**

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**DIVISION 34. HPD HIALEAH PARK DISTRICT**

**Sec. 98- . Purpose.**

The Hialeah park district is intended to provide regulations for the use and development of properties within the geographic area that coincide with the land use classification of commercial-recreation in a manner consistent with the preservation of the historic character and uses of Hialeah Racetrack and the municipal vision to develop the geographic area into a cohesive, interrelated development with complementary commercial and town center uses and parking facilities. The intent of the HPD district is to foster improved site and architectural design that promotes safe and active pedestrian use and access, enhances the public entertainment venues and encourages regionally-oriented businesses and activities. The HPD district also intends to restrict or prohibit uses and development patterns that conflict, impair or impede the stated purposes herein.

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**Sec. 98- . Geographic area.**

The Hialeah park district shall comprise the area having East 32 Street as its northern boundary; having East 4 Avenue as its eastern boundary; having East 21 Street as its southern boundary; and having Palm Avenue as its western boundary.

**Sec. 98- . Precedence over other land use and zoning regulations.**

To the extent that any conflict or difference may arise between the criteria or regulations of this district and the criteria or regulations of the C-2 liberal retail commercial zoning district, the requirements of the HPD overlay zoning district shall prevail.

**Sec. 98- . Permitted uses, limitations and prohibitions.**

(a) The permitted uses of the HPD district for land, buildings, structures and other improvements are the following:

(1) State-licensed horseracing, including but not limited to, thoroughbred and quarter horse racing, licensed gaming, pari-mutuel wagering and card room activities,

(2) Professional services and professional offices allowed in the OPS office and professional services district.

(3) Permitted uses identified in B-1 highly restricted retail district for retail trade and services, consumer goods (rental), finance and insurance, full-service restaurants including the sale of beer, wine or alcoholic beverages, limited-service restaurants, individual and family services, arts, fitness sports and recreational instruction, public and private schools, colleges or universities but not vocational and technical schools.

(4) Parking garages and facilities.

(5) Hotels.

(6) Banquet halls, and nightclubs and bars only in connection with the operation of the hotel, gaming and entertainment complexes comprising the racetrack and card rooms.

(7) Cultural facilities, museums and outdoor entertainment venues.

(8) Fitness centers,

(9) Movie theaters, bowling alleys, roller rinks and ice-skating rinks.

(10) Department stores, grocery stores and supermarkets.

(11) Equestrian hospital for the care and medical treatment of horses that are housed to race on the premises of the racetrack.

(b) The following uses are prohibited:

(1) Residential uses except for seasonal employees that are

directly involved with the housing, training or caring for horses racing on the premises of the racetrack.

(2) Flower, fruit, plant and tree nurseries and garden centers, except as operated in conjunction with home improvement stores; provided, however, the square footage represents no more than 15% of the total square footage of floor space under roof.

(3) Hospitals, assisted living facilities and residential care and treatment facilities.

(4). Rooming houses, lodging houses and motels.

(5) Secondhand (merchandise) dealers or sale or pawn of secondhand goods.

(6) Dry cleaning establishments where the dry cleaning is performed on the premises or where hazardous materials and flammable solvents are stored or used on the premises.

(7) Manual and mechanical carwashes except that the hotel may provide concierge services that include a manual carwash inside a garage facility for hotel guests.

(8) Industrial uses.

(9) Automotive uses first permitted in the C-1 restricted retail commercial district identified in paragraphs 98-1066(4) and (5).

(10) Automotive and marine uses first permitted in the C-2 liberal retail commercial district identified in paragraphs 98-1111(23) through (31).

(11) Funeral homes, funeral viewing services, cemeteries and all related activities.

(12) Commercial uses first permitted in the C-3 extended liberal commercial district identified in paragraphs 98-1156(2), (3), (4), (6), (7), (8), (10) and (11).

(13) Other commercial uses first permitted in the C-2 liberal retail commercial district identified in paragraphs 98-1111(3), (9), (13), (19), (20) and (22).

(14) Other commercial uses first permitted in the C-1 restricted retail commercial district identified in paragraphs 98-1066(6), (10) and (13).

**Sec. 98- . Development standards.**

(a) Urban design development concept. Interior development within the HPD district should be integrated with the historic structures that are the focus and central core of the HPD district and should interconnect along the entire site with an internal main street. The internal main street shall provide ample sidewalks, green corridors, consistent retail frontage, eating areas, kiosks, civic art and other elements that enhance and promote pedestrian activity. This internal main street shall include vehicular and pedestrian traffic, accommodate parallel parking where appropriate and extend to the edges of the HPD district to provide a defined entrance. Big scale commercial buildings and structures shall be located towards the edges of the HPD district and provide store front façade if located on the internal main street.

(b) Preservation of existing vistas. New development or redevelopment shall be designed in a manner to frame and enhance the scenic opportunities presented by the topography of the HPD district throughout the site, including, but not limited to, the terminated vista at the intersection of East 25 Street, the tree alignment on the west side of the Hialeah Racetrack, north of the grandstand, and the main entrance on East 4 Avenue at the southern portion of the HPD district.

(c) Parking garages. Parking garages, when facing public open spaces, shall provide a screen or decorative structure stretching along the frontage line, or co-extensive with the façade. Parking garages shall be consistent and harmonious with that of the building's architecture.

(d) Surface parking. Surface parking lots shall be located in the interior of blocks or squares. No surface parking shall be allowed to front the internal main street.

(e) Drive-through facilities. Drive-through facilities shall not front the interior main street.

(f) Pedestrian interest and use. Building architecture, exterior finish materials and textures, architectural elements and ornamentation shall be selected to enhance pedestrian friendly

design and functionality at street level. Architectural elements at street level shall have dimensions, abundant windows, openings, doors and design variations to create interest for the pedestrian. Blank walls at the street level and above the ground floor of buildings are not permitted.

(g) *Natural materials.* High quality materials such as granite, marble or natural stone are encouraged for architectural details and accents wherever appropriate. A more generous use of high quality materials and architectural details are required for lobbies, public entrances and the ground floor fronting streets.

(h) *Integration of signage, lighting and artwork.* Signs, graphics and lighting for building and principal structures shall be conceived as an integral part of the architectural design of the building or principal structures. A pattern book of proposed signs consistent with the HPD sign regulations, including location and dimensions, shall be submitted at the time of site plan approval.

(i) *Fences and gates.* Chain link, slatted and wood fences and gates are prohibited.

(j) *Commercial loading and service areas.* Commercial loading areas, recycling areas, service areas, and trash and garbage containers shall be located in the interior of blocks or squares and screened to minimize negative visual impacts. Trash containers and dumpsters shall neither be allowed to front street or be visible from the street. Trash containers and dumpsters shall not be permitted in front setback areas.

(k) *Screening of mechanical units and service areas.* All mechanical units and installations of any type shall be screened from public view, with cohesive design elements that complement building design. Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. When roof decks with mechanical units are visible from adjacent developments, such roof decks should be screened and painted to match the finish of the roof material.

(l) *Underground utilities.* All new utilities including, but not limited to, utilities required for electric power, distribution, telephone, communication, street lighting and television service shall be installed underground. Where feasible, existing overhead utilities shall be replaced with underground utilities.

(m) Maintenance covenant. The property owner shall be responsible for the maintenance of the site and shall provide a declaration of restrictive covenants detailing the specific maintenance duties, including, but not limited to, the preservation of the historic character of the site and adherence to general design and sign criteria. Such declaration shall be in a form and content acceptable to the city and recorded in the county public records.

**Sec. 98- . Site development plan approval.**

Prior to the issuance of a construction building permit or significant change to the site, the city shall approve a conceptual master plan, including stages of a phased development, if applicable. The conceptual master plan shall include the location of the various proposed uses, frontage delineation, proposed heights, public open spaces, the type and trajectory of the street network. The proposed conceptual master plan shall conform to the recommendations of an historic preservation report approved by the City.

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**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 8th day of December, 2009.

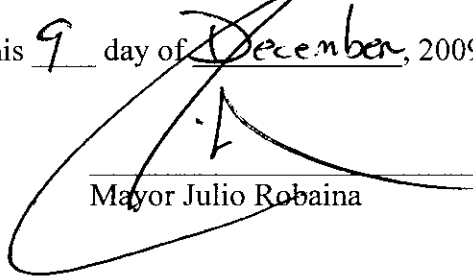
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Attest:

  
Rafael E. Granado, City Clerk

  
Carlos Hernandez  
Council President

Approved on this 9 day of December, 2009.

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.